

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS**

**Call to Order:** Chairman Joe Balyeat, on April 7, 2009 at 9 A.M.,  
in Room 422 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Joe Balyeat, Chairman (R)  
Sen. Verdell Jackson, Vice Chairman (R)  
Sen. Gregory D. Barkus (R)  
Sen. Roy Brown (R)  
Sen. Jim Keane (D)  
Sen. Carolyn Squires (D)  
Sen. Donald J. Steinbeisser (R)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** Sen. Jim Peterson (R)  
Sen. Sharon Stewart-Peregoy (D)  
Sen. Jonathan Windy Boy (D)

**Members Absent:** None

**Staff Present:** Linda Keim, Committee Secretary  
Pat Murdo, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 656, SR 21, SJ 33, SR 22,  
4/1/2009

Executive Action: SR 21, SR 22, SJR 33, HB 598, HB  
656, HB 331

**HEARING ON HB 656**

**Opening Statement by Sponsor:**

00:01:15 Rep. Wayne Stahl (R), HD 35, opened the hearing on HB 656, Revise liquor store commissions.

**Proponents' Testimony:**

00:03:25 Mark Staples, Montana Tavern Association

**Opponents' Testimony:** None

**Informational Testimony:**

00:03:46 Lenore Stigen, Liquor Control Division, Department of Revenue

**Questions from Committee Members and Responses:**

00:04:13 Chairman Balyeat

00:04:52 Lenore Stigen

**Closing by Sponsor:**

00:05:16 Rep. Stahl

**HEARING ON SR 21**

**Opening Statement by Sponsor:**

00:06:23 Sen. Joseph (Joe) Tropila (D), SD 13, opened the hearing on SR 21, Confirm nominee for commissioner of labor and industry.

**EXHIBIT**(bus76a01)

**Proponents' Testimony:**

00:07:18 Keith Kelly, Commissioner nominee, Montana Department of Labor and Industry

00:09:50 Sen. Stewart-Peregoy arrived.

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:14:28 Sen. Barkus  
00:15:46 Keith Kelly  
00:16:42 Chairman Balyeat  
00:17:12 Keith Kelly  
00:18:14 Sen. Squires  
00:22:03 Keith Kelly

**Closing by Sponsor:**

00:22:28 Sen. J. Tropila

**HEARING ON SR 22**

**Opening Statement by Sponsor:**

00:23:29 Sen. Joseph (Joe) Tropila (D), SD 13, opened the hearing on SR 22, Confirm nominee for director of department of commerce.

[EXHIBIT \(bus76a02\)](#)

**Proponents' Testimony:**

00:24:01 Tony Preite, Director nominee, Montana Department of Commerce  
00:25:51 Andy Poole, self

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:26:35 Sen. Squires  
00:27:55 Tony Preite  
00:28:24 Sen. Brown  
00:29:18 Tony Preite  
00:30:20 Sen. Barkus  
00:33:03 Tony Preite

**Closing by Sponsor:**

00:34:25 Sen. J. Tropila

**HEARING ON SJ 33**

**Opening Statement by Sponsor:**

00:35:12 Sen. Gary Perry (R), SD 35, opened the hearing on SJ 33, Study workers' compensation.

**Proponents' Testimony:**

00:37:31 Jacqueline Lenmark, American Insurance Association, also speaking for Jon Metropoulos and Dwight Easton, Farmers Insurance Group

00:39:25 Bruce Spencer, Property Casualty Insurers

**Opponents' Testimony:** None

**Informational Testimony:**

00:41:08 Bob Worthington, Co-Vice Chairman, Labor-Advisory Council

00:41:56 John Mudd, Executive Counsel, State Auditors Office

00:42:51 Nancy Butler, Montana State Fund

**EXHIBIT (bus76a03)**

00:43:24 Diana Ferriter, Bureau Chief, Labor Assistance Bureau, Department of Labor and Industry

**Questions from Committee Members and Responses:**

00:44:08 Sen. Squires

00:44:59 Jacqueline Lenmark

00:45:53 Sen. Jackson

00:50:08 Sen. Perry

00:51:12 Sen. Steinbeisser

00:51:20 Jacqueline Lenmark

00:53:09 Sen. Keane

00:53:57 Sen. Perry

00:54:09 Chairman Balyeat

00:56:51 Sen. Perry

**Closing by Sponsor:**

00:57:14 Sen. Perry

00:59:16 Chairman Balyeat

**EXECUTIVE ACTION ON SR 21**

00:59:29 **Motion:** Sen. Squires moved that **SR 21 BE ADOPTED.**

**Discussion:**

01:00:00 Chairman Balyeat

01:00:07 Sen. Squires

01:00:24 Chairman Balyeat

01:01:21 **Vote:** Motion carried 10-1 by voice vote. Sen. Balyeat voted no. Sen. Barkus, Sen. Brown, Sen. Peterson, and Sen. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON SR 22**

01:03:03 **Motion:** Sen. Keane moved that **SR 22 BE ADOPTED.**

**Discussion:**

01:03:05 Sen. Keane

01:03:19 **Vote:** Motion carried unanimously 11-0 by voice vote. Sen. Barkus, Sen. Brown, Sen. Peterson, and Sen. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 656**

01:04:02 **Motion/Vote:** Sen. Tropila moved that **HB 656 BE CONCURRED IN.** Motion carried 9-2 by voice vote. Sen. Stewart-Peregoy and Sen. Windy Boy voted no. Sen. Brown, Sen. Barkus, Sen. Peterson, and Sen. Windy Boy voted by proxy. Sen. Tropila will carry the bill.

**EXECUTIVE ACTION ON HB 598**

01:05:08 **Motion:** Sen. Steinbeisser moved that **HB 598 BE CONCURRED IN.**

01:05:37 Recess

01:13:57 Resume

01:14:00 Chairman Balyeat

01:14:08 **Motion:** Chairman Balyeat moved **TO AMEND HB 598.**

**EXHIBIT (bus76a04)**

**Discussion:**

01:14:54 Pat Murdo

01:16:01 Chairman Balyeat

01:16:15 Pat Murdo

01:16:30 Chairman Balyeat withdrew his motion.

01:16:42 **Motion:** Chairman Balyeat made a motion that **HB 598 BE CONCEPTUALLY AMENDED** by making a change in Exhibit 4.

**Discussion:**

01:17:17 Sen. Squires

01:17:28 Pat Murdo

01:17:59 Sen. Squires

01:18:03 Sen. Keane

01:18:07 Chairman Balyeat

01:19:07 Sen. Keane

01:19:43 Chairman Balyeat

01:20:02 Pat Murdo

01:20:45 Sen. Tropila

01:20:50 Pat Murdo

01:21:20 Chairman Balyeat

01:22:04 Sen. Tropila

01:22:10 **Vote:** Motion carried 10-1 by voice vote. Sen Squires voted no. Sen. Barkus, Sen. Brown, Sen. Peterson, and Sen. Windy Boy voted by proxy.

01:22:49 **Motion/Vote:** Sen. Steinbeisser moved that **HB 598 AS AMENDED BE CONCURRED IN.** Motion carried 10-1 by voice vote. Sen. Squires voted no. Sen. Barkus, Sen. Brown, Sen. Peterson, Sen. Windy Boy voted by proxy. Sen. Steinbeisser will carry the bill on the Senate floor.

01:24:30 Chairman Balyeat

**EXECUTIVE ACTION ON SJ 33**

01:25:00 **Motion:** Sen. Jackson moved that **SJ 33 DO PASS.**

**Discussion:**

01:25:16 Sen. Keane

01:25:50 Chairman Balyeat

01:26:51 Sen. Jackson

01:27:29 **Vote:** Motion carried 6-5 by roll call vote. Sen. Keane, Sen. Squires, Sen. Stewart-Peregoy, Sen. Tropila, and Sen. Windy Boy voted no. Sen. Barkus, Sen. Brown, Sen. Peterson, and Sen. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 331**

01:28:53 **Motion:** Sen. Stewart-Peregoy moved **TO RECONSIDER PREVIOUS ACTION ON HB 331.**

01:29:41 Sen. Squires

01:30:15 Chairman Balyeat

01:30:30 Pat Murdo

01:31:57 **Vote:** Motion carried 5-2 by roll call vote of those present. Sen. Jackson and Sen. Balyeat voted no.

01:32:02 **Motion:** Sen. Keane moved that **HB 331 BE CONCURRED IN.**

**Discussion:**

01:32:18 Sen. Jackson

01:32:21 Pat Murdo

01:32:45 **Motion:** Sen. Jackson moved **TO AMEND HB 331** by removing the amendment that had been previously added.

**EXHIBIT**(bus76a05)

Note: Exhibit 5 was referred to as the "Peterson" amendment and had been added to HB 331 in previous committee action.

01:33:12 Sen. Keane

01:33:15 Chairman Balyeat

01:33:39 Pat Murdo

01:33:46 Chairman Balyeat

01:34:12 Pat Murdo

01:34:30 Sen. Brown arrived.

01:34:59 **Vote:** Motion carried 8-3 by voice vote. Sen. Squires, Sen. Tropila, and Sen. Windy Boy voted no. Sen. Barkus, Sen. Peterson and Sen. Windy Boy voted by proxy.

01:36:13 **Motion:** Sen. Jackson moved **TO AMEND HB 331.**

**EXHIBIT**(bus76a06)

**Discussion:**

01:37:16 Sen. Jackson  
01:38:22 Chairman Balyeat  
01:39:18 Sen. Tropila  
01:39:30 Neil Peterson, Gaming Industry Association  
01:40:14 Pat Murdo

01:40:30 **Vote:** Motion carried unanimously 11-0 by voice vote.  
Sen. Barkus, Sen. Peterson, and Sen. Windy Boy voted by proxy.

**Discussion:**

01:41:14 Sen. Steinbeisser  
01:41:39 Sen. Jackson

01:42:55 **Motion/Vote:** Sen. Jackson moved that **HB 331 AS AMENDED BE CONCURRED IN.** Motion failed 5-6 by roll call vote. Sen. Keane, Sen. Peterson, Sen. Stewart-Peregoy, Sen. Tropila, and Sen. Windy Boy voted aye. Sen. Barkus, Sen. Peterson, and Sen. Windy Boy voted by proxy.

01:43:55 **Motion/Vote:** Chairman Balyeat moved that **HB 331 BE TABLED AND THE VOTE REVERSED.** Without objection, the vote was reversed and the bill was tabled. Sen. Barkus, Sen. Peterson, and Sen. Windy Boy voted by proxy.

01:44:36 Chairman Balyeat  
01:44:47 Pat Murdo  
01:44:51 Chairman Balyeat



**ADJOURNMENT**

Adjournment: 10:46 A.M.

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Linda Keim, Secretary

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Additional Documents:

**EXHIBIT ([bus76aad.pdf](#))**